

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF *MASSACHUSETTS*;
 BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE TWENTY-SEVENTH
 DAY OF *MAY*, ANNO DOMINI, 1789; AND FROM THENCE
 CONTINUED BY ADJOURNMENT TO WEDNESDAY THE
 THIRTEENTH OF *JANUARY* FOLLOWING.

1789. — Chapter 27.

[January Session, ch. 1.]

AN ACT TO ENABLE *DUDLEY ATKINS* ESQUIRE TO TAKE THE
 SURNAME OF *TYNG*.

Whereas Dudley Atkins of Newbury in the County of Preamble.
Essex Esquire, has Petitioned this Court, setting forth
that he is descended from the Family of Tyng, that Mrs.
Sarah Winslow of Tyngsborough, in the County of Mid-
dlesex being a descendant from the same family and hav-
ing no children has devised to him a considerable part of
her estate and has requested him to take the Surname of
Tyng, & therefore praying the interposition of this Court
for that purpose:

Be it therefore enacted by the Senate and House of Dudley Atkins,
Representatives in General Court assembled and by the enabled to take
authority of the same, that the said Dudley Atkins be and the surname of
he hereby is enabled to take upon himself the Surname Tyng.
of Tyng in addition to his present name, and that he be
hereafter known and called by the name of Dudley Atkins
Tyng.

January 16, 1790.

1789. — Chapter 28.

[January Session, ch. 2.]

AN ACT FOR THE PROTECTION AND SECURITY OF THE SHEEP
 AND OTHER STOCK ON *TARPAULIN COVE ISLAND* OTHER-
 WISE CALLED *NAUSHON ISLAND* AND ON *NENNEMESSETT*
ISLAND, AND SEVERAL SMALL ISLANDS CONTIGUOUS, SIT-
 UATED IN THE COUNTY OF *DUKES COUNTY*.

Whereas there have been of late great depredations made Preamble.
by Gunners and Hunters on Tarpaulin Cove or Naushon
island Nennemessett Island, and several small Islands con-

tiguous thereto situate in the County of Dukes County by which great numbers of Sheep and Deer have been killed and other damages sustained: And whereas the few persons residing on said Islands cannot give proper security to the stock thereon; and to provide an additional remedy in this behalf.

Persons unlawfully taking away, or destroying stock, subject to forfeiture, &c.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same that if any person or persons shall hereafter unlawfully take away, shoot, kill or destroy; or shall cause to be taken away, shot, killed or destroyed, any Sheep or other stock or creatures, on either of the said Islands and shall be thereof convicted every such person or persons shall besides paying the value thereof, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every Sheep or other creature he or they may so take away, shoot, kill or destroy, or cause to be taken away, shot, killed or destroyed, the same to be recovered with costs of suit, by action of debt before any Court proper to try the same; and the sums so recovered shall one half thereof accrue to the prosecutor, and the other half for the use of the poor of the town in which said Islands are, or may be situated.

Gunning prohibited, without licence.

And be it further enacted that if any Person or persons, except such as shall have the special licence of the proprietors of the said Islands, or shall be able to shew sufficient reason therefor, shall be seen with any gun or guns upon either of the said Islands other than that part of said Naushon Island at the extreme west end thereof extending between the house there now occupied by Shadrack Robinson and the shore of that Island known as Robinson's Hole, such person or persons shall forfeit such gun or guns or the value thereof, to any person or persons who will sue, and prosecute therefor, to be recovered with costs of suit by action of Trover before any Court proper to try the same: And if any person or persons shall be found collecting, driving, or in any way molesting any of the Sheep or creatures upon and belonging to the said Islands, or shall be found on either of the aforesaid lands with any skin, limb or carcass, and any Sheep or other creature hath been there lately killed, and such person or persons or his or their company may be reasonably suspected to have killed the same, such person or persons so found shall be deemed and adjudged guilty of such killing, and shall be liable for each and every Sheep or

Forfeiture.

Persons driving or molesting sheep, subject to Penalty.

ACTS, 1789. — CHAPTERS 29, 30.

439

other creature which hath been there lately killed as aforesaid to such penalty as is already provided in this act against such killing to be recovered with costs by action of debt, and to accrue in like manner as aforesaid, besides being liable for the value thereof.

And be it further enacted by the authority aforesaid that no person by reason of being an inhabitant of the Town to which such penalty shall accrue, shall be disqualified from being a witness in any suit or prosecution for any breach of this Act.

Provided nevertheless, and be it further enacted that any person or persons having suffered any penalty or forfeiture incurred by this Act shall be exempted from any other penalty for the same offence. Proviso.

January 30, 1790.

1789. — Chapter 29.

[January Session, ch. 3.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO PREVENT THE DESTRUCTION & TO REGULATE THE CATCHING OF THE FISH CALLED SALMON, SHAD AND ALEWIVES IN THE RIVERS & STREAMS IN THE COUNTIES OF CUMBERLAND AND LINCOLN & TO REPEAL ALL LAWS HERETOFORE MADE FOR THAT PURPOSE."

Whereas it would be beneficial that said Act should extend to several rivers and streams not enumerated therein: Preamble.

Therefore be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the said Act and every part thereof shall extend to and include *Machias River, Pleasant River, Narraguagus River, Coops-Cook River, Denny's River, Union River, Chandlers River, Tunk Stream, & Donnels Stream,* together with all the other Rivers eastward of *Penobscot River* in the Counties of *Hancock & Washington* and the several streams emptying into the same in as full & ample a manner as if said Rivers & Streams had been enumerated in said Act. Rivers included in a former act.

February 2, 1790.

1789. — Chapter 30.

[January Session, ch. 4.]

AN ACT FOR REPEALING AN ACT ENTITLED "AN ACT ESTABLISHING NAVAL-OFFICES IN THIS COMMONWEALTH & FOR THE REPEALING LAWS MADE FOR THAT PURPOSE" AND FOR REPEALING THE SEVERAL LAWS REGULATING THE FEES & FORMS IN THAT OFFICE.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of